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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,780	07/10/2003	Ronald C. Chimenti	650411.90030	1982

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EXAMINER

GREEN, BRIAN

ART UNIT PAPER NUMBER

3611

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/616,780

Applicant(s)

CHIMENTI ET AL.

Examiner

Brian K. Green

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-19 is/are pending in the application.
- 4a) Of the above claim(s) 9-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8 and 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

Claims 9-16 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/4/2005.

### *Claim Objections*

Claims 17 and 18 are objected to because of the following informalities: Claims 17 and 18 depend upon canceled claim 6. Claim 17 should apparently depend upon claim 1. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

Claims 1-5,7,8, and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 9, there is no antecedent basis for “the other sheet” and it is not clear what “other sheet” is being referred to since the applicant defines on lines 1 and 2 that there may be more than two sheets, i.e. in situations where there are three or more sheets it is not clear which sheet is the “other sheet”.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3611

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,8, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boone (U.S. Patent No. 4,870,764) in view of Grimsley (U.S. Patent No. 4,890,728) and Anderson (U.S. Patent No. 2,142,548).

Boone shows in the figure a card comprising a first panel (2), a second panel (11), a third panel (3), a first hinge (the hinge connecting the first and second panels), a second hinge (the hinge connecting the first and third panel), and a transparent housing (7) extending through the first panel (2) and including a memento (9,12) extending through the panel. Boone does not disclose making the second hinge thicker than the first hinge and making the card from at least a first sheet and a sheet. Grimsley shows in figures 2 and 3 a second hinge (20) which is thicker than a first hinge (18). In view of the teachings of Grimsley it would have been obvious to one in the art to modify Boone by making the second hinge thicker than the first hinge since this would allow for the additional thickness of the first and second panels to be accommodated which is taught to be desirable by Grimsley, column 4, lines 15-22. Anderson shows in figures 1-6 a card that includes a first sheet (2) and a second sheet (3) in which the first sheet includes an opening (slits 4 form an opening in the first sheet) for allowing the card to be folded. In view of the teachings of Anderson it would have been obvious to one in the art to modify Boone by making the card from at least first and second sheets since this would create a more durable card. Anderson shows in figures 1-6 that when multiple sheets are used to form a card, the fold lines are formed by placing openings (formed by cuts 4) in at least one of the sheets. In regard to claim 2, the memento of Boone would be viewable when the card is closed. In regard to claim 3, the momento extends farther out from the front surface than the rear surface, see the figure. In

Art Unit: 3611

regard to claim 4, Boone shows that the panels are generally rectangular. In regard to claim 5, Anderson shows that the laminated card includes a third sheet (1) located between the first and second sheets. In regard to claim 8, Boone shows in the figure that the lateral edge of the second panel would be received by the second hinge when the second and third panels are closed. In regard to claims 17 and 18, Boone shows that the first and second hinges are elongated. In regard to claim 19, the openings formed in the card of Boone in view of Grimsley and Anderson could be covered by the second and third panels depending upon which surface the openings for the hinges are placed. It would have been obvious to one in the art to cover the openings by the second and third panels since this would create a more aesthetically pleasing display card, i.e. the openings would not be seen when the card is folded.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boone (U.S. Patent No. 4,870,764) in view of Grimsley (U.S. Patent No. 4,890,728) and Anderson as applied to claim 5 above and further in view of Ivicic (U.S. Patent No. 5,979,942).

Boone in view of Grimsley and Anderson disclose the applicant's basic inventive concept except for placing an enamel on the first and second sheets. Ivicic discloses on column 3, lines 24-28, the idea of placing an enamel onto the panels of a greeting card. In view of the teachings of Ivicic it would have been obvious to one in the art to modify Grimsley by placing an enamel onto the first and second panels since this would create more aesthetically pleasing display, i.e. enamel paint.

### ***Response to Arguments***

Applicant's arguments filed March 4, 2005 have been fully considered but some of the applicant's arguments are not persuasive and some of the applicant's arguments are moot in view of the newly cited reference to Anderson.

The applicant argues that in order to achieve the desired retention, the unnumbered hinge of Boone cannot be larger than the opposing hinge or it would be unable to cause panel 3 to apply a retaining force against panel 11 that is imparted onto the rear surface of lip 8 to retain the cup 7. The examiner disagrees since the increased width/depth of the unnumbered hinge would allow the third panel (3) to be folded over the second panel and lay flat on top of the second panel. The third panel laying flat on top of the second panel would create a better bias as well as a more aesthetically pleasing display device. Without the increased width/depth of the unnumbered hinge, the third panel would be biased away from the second panel and would not lay flat on top of the second panel.

The applicant argues that Boone does not teach or suggest the hinges comprising an elongated opening extending through one of the sheets such that the other sheet connects two panels, one opening having a thickness greater than the other opening. The Anderson Patent (U.S. Patent No. 2,142,548) is being used to show that it is known to form a hinge by placing an elongated opening in a laminated sheet.

### ***Conclusion***

Art Unit: 3611

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
May 18, 2005